

TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 10, 2004

IN RE:

**COMPLAINT OF AENEAS
COMMUNICATIONS AGAINST
CITIZENS COMMUNICATIONS IN
WEAKLEY COUNTY, TENNESSEE**

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**DOCKET NO.
02-00438**

ORDER GRANTING MOTION TO POSTPONE HEARING

This docket is before the Hearing Officer for consideration of the *Unopposed Motion to Postpone Hearing* filed by Aeneas Communications, Inc. ("Aeneas") on February 5, 2004 Pursuant to the *Order Scheduling Hearing* issued on November 18, 2003 the hearing of this matter is presently set for 10 00 a m on Wednesday, February 11, 2004

On February 4, 2004 Aeneas filed its *Motion of Aeneas to Join BellSouth as a Party* ("*Motion to Join*") requesting that BellSouth Telecommunications, Inc ("BellSouth") be joined as a party to this docket pursuant to TRA Rule 1220-1-2- 22 and Tenn R Civ P 19 01 stating that, unless the motion is granted, "complete relief cannot be accorded among those already parties."¹ Aeneas based its *Motion to Join* in part on its position that "a BellSouth-provided special access circuit used to carry local traffic between Aeneas and BellSouth meets the FCC's criteria for conversion to a UNE loop" and that "further discussions and investigation are needed to determine whether such a conversion could resolve this complaint "²

¹ *Motion to Join*, p 2 (February 4, 2004) quoting Tenn R Civ P 19 01

² *Motion to Join*, p 2 (February 4, 2004)

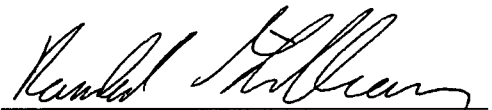
The *Motion to Postpone* requests the Hearing Officer to postpone the hearing so that the Hearing Officer may act on the *Motion to Join*, states that Aeneas has contacted the other parties to this case, and states that the other parties do not oppose the motion ³

The Hearing Officer finds that, although BellSouth is not a party to this docket, BellSouth's interests may be affected by joining it as a party and that it should have an opportunity to respond to the *Motion to Join*. Further, the Hearing Officer finds that a response from BellSouth to the *Motion to Join* would be helpful in resolving the *Motion to Join*.

IT IS THEREFORE ORDERED:

1 The *Unopposed Motion to Postpone Hearing* is hereby granted and the hearing previously scheduled for Wednesday, February 11, 2004 is hereby postponed

2 BellSouth Telecommunications, Inc shall be served with a copy of this order BellSouth shall have until 2:00 p.m., Friday, February 20, 2004 to respond to the *Motion of Aeneas to Join BellSouth as a Party* if BellSouth chooses to do so


Randal Gilliam
Hearing Officer

³ *Unopposed Motion to Postpone Hearing*, p 1 (February 5, 2004)